

AMENDED IN ASSEMBLY AUGUST 23, 1999

AMENDED IN ASSEMBLY AUGUST 16, 1999

AMENDED IN ASSEMBLY JULY 8, 1999

AMENDED IN SENATE APRIL 28, 1999

SENATE BILL

No. 837

Introduced by Senator Figueroa

(Coauthor: Senator Speier)

(Coauthors: Assembly Members Aroner, Corbett, Havice,
Kuehl, Steinberg, and Strom-Martin)

February 25, 1999

An act to add Section 2098 to the Business and Professions Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 837, as amended, Figueroa. Cosmetic surgery: facilities.

Existing law provides for the accreditation of outpatient settings for the performance of medical procedures and establishes standards for procedures performed in these settings.

This bill would require a physician and surgeon who performs cosmetic surgery, as defined, to perform that surgery in a specified general acute care hospital or in a specified outpatient setting. A violation of this provision would be a misdemeanor and would also constitute unprofessional conduct. Because the bill would create a new crime, the bill would impose a state-mandated local program.

The bill would also authorize the Board of Medical Examiners to adopt regulations implementing these provisions, and to recommend to the Legislature the deletion of certain procedures specified in the bill based on a lack of risk to the patient.

The bill would become operative on July 1, 2000.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2098 is added to the Business and
2 Professions Code, to read:

3 ~~2098. (a) Notwithstanding any other provision of~~
4 ~~law, no physician and surgeon shall perform cosmetic~~
5 ~~surgery unless that surgery is performed in a licensed~~
6 ~~general acute care hospital specified in subdivision (a) of~~
7 ~~Section 1250 of the Health and Safety Code or in an~~
8 ~~outpatient setting specified in Section 1248.1 of the~~
9 ~~Health and Safety Code.~~

10 ~~(b) "Cosmetic surgery," as used in this section, means~~
11 ~~surgery that is performed to alter or reshape normal~~
12 ~~structures of the body solely in order to improve~~
13 ~~appearance. Cosmetic surgery procedures shall include,~~
14 ~~but not be limited to, all of the following:~~

15 ~~Head and Neck Cosmetic Surgery:~~

16 ~~(1) Rhytidectomy/Medloplasty/Miloplast.~~

17 ~~(2) Blepharoplast.~~

18 ~~(3) Browlift.~~

19 ~~(4) Rhinoplasty.~~

20 ~~(5) Endoscopic facial surgery.~~

21 ~~(6) Incisional and excisional cosmetic lip surgery,~~
22 ~~excluding fillers, alloderm, collagen, Gore-Tex,~~
23 ~~dermalogen, or autologous tissue.~~

1 ~~(7) Laser resurfacing of the head and neck.~~
2 ~~(8) Intermediate and deep chemical peels.~~
3 ~~(9) Full facial dermabrasion.~~
4 ~~(10) Facial implants, including autologous tissue, but~~
5 ~~excluding implants of Gore-Tex or fillers such as alloderm,~~
6 ~~collagen, or dermalogen.~~
7 ~~(11) Liposuction of the head and neck.~~
8 ~~(12) Otoplasty.~~
9 ~~(13) Mentoplasty.~~
10 **Breast Surgery:**
11 ~~(14) Breast augmentation or enlargement.~~
12 ~~(15) Mastopexy.~~
13 **Trunk and Liposuction Surgery:**
14 ~~(16) Abdominoplasty.~~
15 ~~(17) Brachioplasty.~~
16 ~~(18) Thigh lift.~~
17 ~~(19) Liposuction under 5000cc total aspirate volume.~~
18 ~~(20) Liposuction over 5000cc total aspirate volume.~~
19 ~~(21) Pectoral implants.~~
20 ~~(22) Buttock implants.~~
21 ~~(23) Calf implants.~~
22 **Other Cosmetic Surgery:**
23 ~~(24) Penile implants or enlargements.~~
24 ~~(25) Hair transplantation or restoration.~~
25 ~~(c) The board may adopt regulations to specify~~
26 ~~cosmetic surgery procedures in addition to those~~
27 ~~specified in subdivision (b) that the board determines fit~~
28 ~~the definition of cosmetic surgery specified in subdivision~~
29 ~~(b).~~
30 ~~(d) "Cosmetic surgery" and cosmetic surgery~~
31 ~~procedures as defined in subdivision (a) do not include~~
32 ~~surgery for the removal of cysts, moles or warts on the~~
33 ~~skin, the repair of simple lacerations, minor scar revisions,~~
34 ~~skin biopsies, closed reduction of simple fractures or small~~
35 ~~joint dislocations, and other procedures that pose similar~~
36 ~~risks.~~
37 ~~(e) A violation of this section shall be a misdemeanor~~
38 ~~and also shall constitute unprofessional conduct.~~
39 ~~2098. (a) Notwithstanding any other provision of~~
40 ~~law, no physician and surgeon shall perform cosmetic~~

1 surgery unless that surgery is performed in a licensed
2 general acute care hospital specified in subdivision (a) of
3 Section 1250 of the Health and Safety Code or in an
4 outpatient setting specified in Section 1248.1 of the
5 Health and Safety Code.

6 (b) "Cosmetic surgery," as used in this section, means
7 surgery that is performed to alter or reshape normal
8 structures of the body solely in order to improve
9 appearance. Cosmetic surgery procedures shall include,
10 but not be limited to, all of the following when performed
11 as "cosmetic surgery" solely in order to improve
12 appearance:

13 *Head and Neck Cosmetic Surgery:*

14 (1) Rhytidectomy/Meloplasty.

15 (2) Blepharoplasty.

16 (3) Browlift.

17 (4) Rhinoplasty.

18 (5) Endoscopic facial surgery.

19 (6) Otoplasty.

20 (7) Mentoplasty, excluding Genioplasty.

21 *Breast Surgery:*

22 (8) Breast augmentation or enlargement.

23 (9) Mastopexy.

24 *Trunk Surgery:*

25 (10) Abdominoplasty.

26 (11) Brachioplasty.

27 (12) Thigh lift.

28 (13) Pectoral implants.

29 (14) Buttock implants.

30 (15) Calf implants.

31 *Liposuction Surgery:*

32 (16) Liposuction over 500cc total aspirate volume.

33 *Other Cosmetic Surgery:*

34 (17) Penile implants or enlargements.

35 (18) Major scalp reductions.

36 (c) The board may adopt regulations to specify
37 cosmetic surgery procedures in addition to those
38 specified in subdivision (b) that the board determines fit
39 the definition of cosmetic surgery specified in subdivision
40 (b).

1 (d) *The board may recommend to the Legislature the*
2 *deletion from the list of cosmetic surgery procedures*
3 *specified in subdivision (b) of certain procedures based*
4 *upon a determination of the lack of a significant risk to the*
5 *patient.*

6 (e) *“Cosmetic surgery” as defined in subdivision (b)*
7 *and cosmetic surgery procedures specified in subdivision*
8 *(b) do not include surgery for the removal of cysts, moles,*
9 *or warts on the skin, the repair of simple lacerations,*
10 *minor scar revisions, skin biopsies, and other procedures*
11 *that pose similar risks.*

12 (f) *A violation of this section shall be a misdemeanor*
13 *and also shall constitute unprofessional conduct.*

14 (g) *This section shall become operative on July 1, 2000.*

15 SEC. 2. No reimbursement is required by this act
16 pursuant to Section 6 of Article XIII B of the California
17 Constitution because the only costs that may be incurred
18 by a local agency or school district will be incurred
19 because this act creates a new crime or infraction,
20 eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section
22 17556 of the Government Code, or changes the definition
23 of a crime within the meaning of Section 6 of Article
24 XIII B of the California Constitution.

